




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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,365	03/30/2004	James Edward Simpson	140163-1/YOD GERD:0104	4687
7590	12/28/2005		EXAMINER SONG, HOON K	
Patrick S. Yoder FLETCHER YODER P.O. Box 692289 Houston, TX 77269-2289			ART UNIT 2882	PAPER NUMBER

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 10/813,365	Applicant(s) SIMPSON ET AL.	
	Examiner Hoon Song	Art Unit 2882	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 12 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1,2,4-8,10-17 and 19-21.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☒ Other: See Continuation Sheet.

  
**DAVID V. BRUCE**  
**PRIMARY EXAMINER**

Continuation of 13. Other: In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. Carlson ('477) teaches the claimed invention but fails to teach the cathode has an insulator isolating the cathode from ground potential (figure 1). Chidester teaches an x-ray cathode insulator (40 or 70). It would have been obvious to one of ordinary skill in the art at the time of the invention to adapt the x-ray tube of Carlson with the cathode insulator as taught by Chidester, since the insulator would reduce in voltage from the high voltage present at the anode and/or cathode to the much lower housing or ground potential (column 2 line 25-27). Furthermore, Carlson ('477) fails to teach the bearings are duplex bearings. Carlson ('340) teaches an x-ray target shaft support bearing system having at least two duplex bearings (78, figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to adapt the bearings of Carlson ('477) with the duplex bearing as taught by Carlson ('340), since duplex bearing would improve durability (column 4 line 58). Accordingly, the combination of Carlson ('477), Chidester and Carlson ('340) reference teaches all of the recited features of the rejected claims and the claims are remain rejected.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. In this case one having ordinary skill in the art would have the knowledge of a duplex bearing is durable than a single bearing and the knowledge is not gleaned only from the applicant's discloser, the one having ordinary skill in the would be motivated to adapt the single bearing system of Carson ('447) with the dual bearing system of Carlons ('340) in order to improve the durability.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning for rotating a gantry at greater than three or at about five revolution per second, one having ordinary skill in the art would have the knowledge that faster rotation of the gantry will generate faster data acquisition so that scanning time would be reduced and the knowledge is not gleaned only from the applicant's discloser, the one having ordinary skill in the would be motivated to rotate the gantry at greater than three or at about five revolution per second in order to reduce the scanning time. Furthermore, the applicant's argues that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., physical constraints on gantry rotational velocity at three or more revolution per second) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. In this case since McCarty discloses the every claim limitations as claimed in claim 19-21 without any physical constraints of prohibit gantry speed of the claimed speed. Accordingly, one having ordinary skill in the art would be motivated to rotate McCarty's gantry at claimed rotational speed in order to achieve faster scanning speed.